



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222

Spring 2001

Danny M. Clark, M.D., President

Physician Profile/KBML Web Site Update

The Board at its March 2001 meeting directed staff to proceed with a physician profile on the KBML web site. The following items will be included on each physician holding a current medical/osteopathic license: physician name, degree, Kentucky license number, issue date, practice address, office telephone number, county if practice is in Kentucky, medical school, year graduated, type of practice, specialty and disciplinary actions when applicable. It will be possible to search by name, specialty, county and license number. In the very near future all physicians holding a current Kentucky medical license will receive a copy of the information that will be included in their profile on the KBML web site for review and confirmation that the information maintained by the Board is correct.

The address of the KBML web site is www.state.ky.us/agencies/kbml. This site contains information about the Board, policy statements and guidelines, a direct link to the Kentucky Medical Practice Act Statutes & Regulations, the KBML Newsletter, monthly disciplinary actions, application forms, etc. and has proven to be a valuable service to the public, as well as to physicians practicing in the state. Please take time to visit the KBML site and let us know of any other information that would be beneficial.

KBML Medical Investigators

There may be a time that you may be called upon by one of the investigators as a result of a complaint registered with the Board. Medical investigators employed by the Board are Ms. Betty Prater, Ms. Beth Robertson, Mr. George Stewart, and Mr. Eric Tout. KBML investigators always carry identification that they are indeed employed by the Board. If you receive a visit from one of the investigators please feel free to contact the Board's office at (502) 429-8046 to verify their identity.

Appointments to the Board

Roszalyn Mack Akins, was appointed by Executive Order on January 11, 2001, to serve on the Board by Governor Paul E. Patton. Ms. Akins is a high school teacher in Lexington and replaces Ms. Dorothy Newberry, whose term of service expired. Preston P. Nunnelley, M.D., and Donald J. Swikert, M.D., were reappointed for another term to serve on the Board.

2001 Annual Renewal of Physician Licenses

Annual renewal of physician licenses for the current year has just been completed. 8,661 physicians with an in state practice address, and 3,198 physicians with an out of state practice address have registered their licenses for the year 2001. The total of 11, 859 reflects an increase of 370 over last year's total.

Final Disciplinary Actions

Dennis J. Adams, M.D., #25174, McCracken Co.

Amended Agreed Order of Indefinite Restriction entered into 02-12-01. Physician's request to return to practice granted, with terms and conditions set forth in order.

Olen D. Amerson, D.O., #01957, Johnson Co.

Agreed Order of Indefinite Restriction entered into 01-18-01.

Lowell G. Arnett, M.D., #35139, Montgomery Co.

Agreed Order of Surrender entered into 02-22-01. License surrendered in lieu of revocation.

Nsunda A. Bangudi, M.D., #19942, Johnson Co.

Agreed Order of Surrender entered into 01-18-01.

George L. Barker, M.D., #29153, Memphis, TN

Agreed Order of Surrender entered into 03-16-01.

Joseph M. Casey, M.D., #22203, Jefferson Co.

Order Amending Order of Indefinite Restriction issued 03-08-01. Physician may act as surgical first assistant under specific conditions delineated in Order. Other terms and conditions previously reported remain in effect and are set forth in Order.

Greta L. Combs, M.D., #22698, Perry Co.

Agreed Order of Indefinite Restriction entered into 02-06-01.

Joseph DiBeneditto, M.D., #26150, Warren Co.

Order Reinstating License; Order of Probation issued 02-08-01.

Bryant D. Draper, M.D., #34457, Hopkins Co.

Agreed Order of Surrender entered into 01-18-01.

Donald I. George, M.D., #10842, Fayette Co.

Order Denying Request for Modification of Agreed Order of Probation issued 03-08-01.

Wendell E. Gordon, M.D., #13144, Marshall Co.

Agreed Order of Probation entered into 01-12-01.

Robert S. Howell, Jr., M.D., #21580, Christian Co.

Order of Revocation entered 03-26-01, effective 04-26-01.

Johan N. Jensen, M.D., #14363, Jefferson Co.

Order Amending Agreed Order of Probation issued 03-23-01. Prescribing privileges reinstated with terms and conditions. Other terms and conditions previously reported remain in effect and are set forth in Order.

Omar Lopez-Samayoa, M.D., #23139, Adair Co.

Agreed Order of Surrender entered into 02-26-01. License surrendered in lieu of revocation.

Gary W. Kearl, M.D., #25602, Jessamine Co.

Agreed Order entered into 03-06-01. Terms and conditions set forth in order.

Chester F. Mynes, Jr., D.O., #01090, Hurricane, WV

Agreed Order entered into 04-04-01. Terms and conditions set forth in Order.

Michael D. Perkins, M.D., #19098, Whitley Co.

Second Order Amending Agreed Order of Probation entered into 01-26-01.

Douglas H. Rank, M.D., #27590, Fayette Co.

Order of Revocation; Probated, Order of Suspension and Probation issued on 05-17-00. On 06-12-00 Jefferson Circuit Court issued a temporary restraining order restraining the Board from suspending physician's license until the Court had opportunity to resolve the appeal. Jefferson Circuit Court issued Opinion and Order on 03-05-01 affirming Board action. Amended Order of Revocation, Probated; Amended Order of Suspension/ Probation issued 03-29-01, effective 04-02-01. Terms and conditions set forth in order.

Ruth A. Serneels, M.D., #26759, Jeffersonville, IN

Agreed Order of Surrender entered into 02-08-01.

Steven E. Thomas, M.D., #31970, Jefferson Co.

Agreed Order of Indefinite Restriction; Agreed Order of Probation entered into 01-18-01.

The following physicians' licenses were previously reported for licensure suspension based on their failure to complete continuing medical education as required by 201 KAR 9:310. These physicians' licenses were reinstated, effective on the date specified below, based on each licensee's providing verifiable evidence of their completion of the CME requirements.

Physician Name	Suspension Date	Reinstatement Date
Stuart A. Becker, M.D.	12-02-00	01-04-01
Robert D. Cranley, M.D.	11-25-00	01-29-01
Ali Fazel, M.D.	11-22-00	02-06-01
Kamal K. Garg, M.D.	12-04-00	01-28-01
Vimla Garg, M.D.	12-04-00	01-28-01
Vijay K. Jain, M.D.	11-27-00	02-14-01
Garth S. Schooler, M.D.	11-24-00	02-09-01
Chris R. Ullrich, M.D.	11-30-00	03-27-01

Corrections From Winter Newsletter

David Meyer, M.D., holding KY license number 28156 and practicing Ophthalmology in Memphis, TN, was listed as a suspension based on failure to complete CME's and should not to be confused with David A. Meyer, M.D., a psychiatrist practicing in Paducah KY.

Garnett J. Sweeney, Sr., M.D., was listed incorrectly as an osteopathic physician.

The Board adopted the following guidelines at its March 22, 2001 meeting. The guidelines relate to physicians accepting gifts from industry and were adopted as a result of concerns expressed by several physicians, state legislators and the Office of the Attorney General. These guidelines conform to the principles of medical ethics of the American Medical Association.

Gifts To Physicians - Guidelines

Patients' should be confident that they are receiving their physicians' best care, uninfluenced by the interest of third parties. They trust that personal or financial benefits will not influence the medical decisions regarding the care they receive. Traditionally many gifts given to physicians by industry serve an important and socially beneficial function. For example, industry has long provided funds for educational seminars and conferences. In the last several years, however, many troubling practices are occurring. Industry money and influence has permeated virtually all levels of physician CME in the form of complimentary meals and entertainment, consultation fees, "shop and dash" functions, and pseudo-CME courses. These "gifts" give rise to some notion of reciprocity, which would likely undermine trust and weaken the patient-physician relationship.

Congress developed an interest in these activities and began to investigate them in the early 1990s. The Justice Department, along with other investigative agencies, has again recently expressed concern about the relationship between industry representatives and physicians. In the hope of averting government intervention, the American Medical Association developed guidelines that address these practices, which were also adopted by the Pharmaceutical Research and Manufacturers of America. These guidelines are part of the Ethical Opinions of the AMA. The Kentucky Medical Practice Act KRS 311.597 (4) requires that physicians "...conform to the principles of medical ethics of the American Medical Association...". The guidelines are based on the following principles:

- **Gifts should be a benefit to patients**
- **Gifts should be of educational value**
- **Gifts should be related to the physician's work**
- **Gifts need to be of modest value and not cash payments or equivalent payment**
- **There should be no strings attached. (Physicians should not require a thing of value from the representative.)**
- **The educational value of the activity must be the primary consideration in the physician's decision to attend.**

It would be unrealistic to propose that all meals, entertainment, or CME funding provided by pharmaceutical companies are unethical. The practice should be judged by degree. The concern is the pursuit of these practices to excess. **When the influence created by the meal, the entertainment, or any other activity, in and of itself, has the potential to alter the physician's prescribing patterns rather than the efficacy of the particular product being touted, it should be considered inappropriate.** It may also be considered illegal since federal law prohibits a physician from giving or receiving "anything of value" in exchange for a "referral".

To avoid the acceptance of inappropriate gifts, physicians should observe the following Opinion of the Council on Ethical and Judicial Affairs (E-8.061 Gifts to Physicians from Industry).

- (1) Any gifts accepted by physicians individually should primarily entail a benefit to patients and should not be of substantial value. Accordingly, textbooks, modest meals, and other gifts are appropriate if they serve a genuine educational function. Cash payments should not be accepted.

The use of drug samples for personal or family use is permissible as long as these practices do not interfere with patient access to drug samples. It would not be acceptable for non-retired physicians to request free pharmaceuticals for personal use or use by family members.

- (2) Individual gifts of minimal value are permissible as long as the gifts are related to the physician's work (e.g., pens and notepads).
- (3) The Council on Ethical and Judicial Affairs defines a legitimate "conference" or "meeting" as any activity, held at an appropriate location, where

-
-
- (a) the gathering is primarily dedicated, in both time and effort, to promoting objective scientific and educational activities and discourse (one or more educational presentation(s) should be the highlight of the gathering), and
 - (b) the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented.

An appropriate disclosure of financial support or conflict of interest should be made.

- (4) Subsidies to underwrite the cost of continuing medical education conferences or professional meetings can contribute to the improvement of patient care and therefore are permissible. Since the giving of a subsidy directly to a physician by a company's representative may create a relationship that could influence the use of the company's products, any subsidy should be accepted by the conference's sponsor who in turn can use the money to reduce the conference's registration fee. Payments to defray the costs of a conference should not be accepted directly from the company by the physicians attending the conference.
- (5) Subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging, or other personal expenses of physicians attending conferences or meetings, nor should subsidies be accepted to compensate for the physicians' time.

Subsidies for hospitality should not be accepted outside of modest meals or social events held as a part of a conference or meeting.

It is appropriate for faculty at conferences or meetings to accept reasonable honoraria and to accept reimbursement for reasonable travel, lodging, and meal expenses.

It is also appropriate for consultants who provide genuine services to receive reasonable compensation and to accept reimbursement for reasonable travel, lodging, and meal expenses. Token consulting or advisory arrangements cannot be used to justify the compensation of physicians for their time or their travel, lodging, and other out-of-pocket expenses.

- (6) Scholarship or other special funds to permit medical students, residents, and fellows to attend carefully selected educational conferences may be permissible as long as the selection of students, residents, or fellows who will receive the funds is made by the academic or training institution. Carefully selected educational conferences are generally defined as the major educational, scientific or policymaking meetings of national, regional or specialty medical associations.
- (7) No gifts should be accepted if there are strings attached.

For example, physicians should not accept gifts if they are given in relation to the physician's prescribing practices.

In addition, when companies underwrite medical conferences or lectures other than their own, responsibility for and control over the selection of content, faculty, educational methods, and materials should belong to the organizers of the conferences or lectures.

An addendum of questions and answers that adds clarity to these guidelines can be found at www.ama-assn.org.

Physicians do not belong to a trade but a profession and as such have an obligation to uphold this standard of ethics and to ensure they are properly enforced. The Kentucky Board of Medical Licensure will use these principles as a basis for deliberating on any complaint received regarding physician activities in this area.

Date:_____ **KY License Number:**_____

Mailing Address: _____
(street)

KY Practice County:_____ **Office Telephone:**_____

Practice Address: _____
(street)

(city) (state) (zip)

E-Mail Address:_____

**Presorted
Standard
U.S. Postage Paid
Permit Number 856
Louisville, KY**